C. Official Map. The Official Map of the Town of Colchester is adopted pursuant to Section 4421, Title 24 VSA Chapter 117, as amended, filed in the office of the Town Clerk, and incorporated herein by reference. No zoning permit may be issued for any land development within the lines of any street, drainageway, park, school, or other public facility shown on the official map, except as specifically provided in 24 V.S.A Section 4421.

2.03 District Boundaries

A. Interpretation of District Boundaries

- 1. Where uncertainty exists as to the boundaries of districts as shown on the Official Zoning Map, the Planning Commission shall determine the location, aided by the rules set forth in this section.
- 2. Boundaries indicated as approximately following the center lines of streets or highways shall be construed to follow such center lines.
- 3. Boundaries indicated as approximately following platted lot lines shall be construed to follow such lot lines.
- 4. Boundaries indicated as following railroad lines shall be construed to follow the center line of the railroad right-of-way.
- 5. Boundaries indicated as following shorelines shall be construed to follow such shorelines, and in the event of change in the shoreline such boundaries shall be construed as moving with the actual shoreline.
- 6. Boundaries indicated as approximately following the center lines of streams, rivers, canals, lakes, or other bodies of water shall be construed to follow such center lines.
- 7. Boundaries indicated as approximately following Town limits shall be construed to follow such Town limits.
- 8. Boundaries indicated as parallel to or extensions of features indicated in subsections 1 through 6 above shall be so construed. Distances not specifically indicated on the Official Zoning Map or described under each zone shall be determined by the scale of the map.
- 9. Where uncertainty exists as to the boundaries of the Floodplain District, the most recent effective FEMA base flood elevation data, floodway data and Flood Insurance Study shall be reviewed and utilized to determine the base flood elevation.
- B. Interpretation by Planning Commission. Where physical or cultural features existing on the ground are inconsistent with those shown on the Official Zoning Map, or in other circumstances not covered by subsections 1 through 8 above, the Planning Commission shall interpret the district boundaries.
- C. Split Lots. Where a district boundary line divides a lot which was in a single ownership at the time of passage of these regulations, the Development Review Board may permit, as a conditional use, the extension of the regulations for either portion of the lot but not to exceed fifty (50) feet beyond the district line into the

- 5. Temporary fences, unless for snow control. Snow control fences shall be allowed from November 1 through to the following May 1.
- 6. Expandable fences and collapsible fences, except during construction of a building or for municipal, state, or federal projects.
- 7. Chain link fences erected with the open loop at the top of the fence.
- D. Exemption. All existing fences that do not conform to the provisions of these regulations may be continued as they presently exist, except that these fences shall not be altered, extended, replaced or modified except in accordance with these regulations.
- 2.11 Swimming Pools. All swimming pools shall be constructed in compliance with Chapter Four, Article Four of the Town of Colchester Code of Ordinances as amended from time to time.
- 2.12 Nonconforming Uses, Structures and Lots. This section shall apply to non-conformities as defined in Title 24 V.S.A. Section 4303(16). These uses and structures shall be subject to the restrictions and conditions set forth herein.
 - A. Nonconforming Uses.
 - 1. A nonconforming use shall not be changed to another non-conforming use.
 - 2. A nonconforming use that is changed to a conforming use shall not be resumed.
 - 3. A nonconforming use that is discontinued for six (6) months shall not be resumed.
 - 4. A nonconforming use that is abandoned shall not be resumed.
 - 5. No extension of a non-conforming use shall be permitted.
 - B. Alterations to Nonconforming Structures. Except as otherwise provided in *Article Six Section 6.03*, Article Seven Section 7.03, *Article Seven Section 7.04*, Article Two Section 2.05J, and Article Ten Section 10.14 alterations or additions to a nonconforming structure shall not encroach within any required setbacks unless the Development Review Board has approved a variance for said encroachment per Title 24 V.S.A. Section 4469.
 - 1. In reviewing variance requests for encroachment within required setbacks, the Development Review Board shall use the criteria set forth in the Title 24 V.S.A., Section 4469 as amended from time to time. In granting a variance request, the Development Review Board may attach conditions to such variances, as it may consider necessary and appropriate under the circumstances to implement the purposes of Title 24 V.S.A. Section 4469, this Article, and the municipal plan in effect. In approving a variance, the DRB shall make and so specify in its decision all of the following findings:

- B. Municipal Plan. These regulations hereby implement the relevant provisions of the Town of Colchester adopted municipal plan and are in accord with the policies set forth therein.
- C. Permitted Uses. Those uses indicated in Table A-1 and accessory uses to those uses. Any uses not listed in Table A-1 are prohibited. Items that are not customary as accessory uses to those listed in Table A-1 are prohibited.
- D. Conditional Uses. Those uses indicated in Table A-1 and approved pursuant to Article 8, and accessory uses to those uses. Any uses not listed in Table A-1 are prohibited. Items that are not customary as accessory uses to those listed in Table A-1 are prohibited.
- E. Area, Density, and Dimensional Requirements. In the MHP District, all requirements of this Section 6.02 and Table A-2 shall apply.
- F. Additional Standards. In addition to the Site Plan, Conditional Use, Planned Unit Development criteria, all development in the MHP District shall also be subject to the following standards:
 - 1. All mobile home parks shall be reviewed as Planned Residential Developments as per Article 9.

6.03 Flood Plain District FP

- A. Purpose. In accordance with the purposes of 10 V.S.A. Chapter 32 and 24 V.S.A. §4424 to minimize adverse impacts of development upon the sensitive natural areas adjacent to Colchester's various watercourse and waterbodies. and to minimize public and private loss caused by periodic flooding conditions. It is the further purpose of this District to promote the public health, safety and general welfare, to prevent increases in flooding caused by the uncontrolled development of lands in areas of special flood hazard, and to minimize losses due to floods. by:More specifically, to pursue the preservation of water quality, prevent pollution, avoidance of erosion, and protection of the ecology of streambeds and lands adjacent to watercourses. Only open space uses not involving structures and impervious surfaces are intended for these areas.
 - 1. Restricting or prohibiting use and development that is dangerous to health, safety, or property in times of flood or which causes excessive increase in flood heights or velocities.
 - 2. requiring that structures and uses vulnerable to flood, including public facilities that serve such uses, be protected against flood damage at the time of initial construction or substantial improvement.
 - 3. Protecting individuals from the acquisition of property that is unsuited for their intended purposes because of flood hazards.

- B. Municipal Plan. These regulations hereby implement the relevant provisions of the Town of Colchester adopted municipal plan and are in accord with the policies set forth therein.
- C. Permitted Uses. Those uses indicated in Table A-1 and accessory uses to those uses. Any uses not listed in Table A-1 are prohibited. Items that are not customary as accessory uses to those listed in Table A-1 are prohibited.
- D. Conditional Uses. Those uses indicated in Table A-1 and approved pursuant to Article 8, and accessory uses to those uses. Any uses not listed in Table A-1 are prohibited. Items that are not customary as accessory uses to those listed in Table A-1 are prohibited.
- E. Area, Density, and Dimensional Requirements. In the MHP District, all requirements of this Section 6.02 and Table A-2 shall apply.
- F. Additional Standards. In addition to the Site Plan, Conditional Use, Planned Unit Development criteria, all development in the MHP District shall also be subject to the following standards:
 - 1. All mobile home parks shall be reviewed as Planned Residential Developments as per Article 9.

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 - 1. Restricting or prohibiting use and development that is dangerous to health, safety, or property in times of flood or which causes excessive increase in flood heights or velocities.
 - 2. requiring that structures and uses vulnerable to flood, including public facilities that serve such uses, be protected against flood damage at the time of initial construction or substantial improvement.
 - 3. Protecting individuals from the acquisition of property that is unsuited for their intended purposes because of flood hazards.

- B. Municipal Plan. These regulations hereby implement the relevant provisions of the Town of Colchester adopted municipal plan and are in accord with the policies set forth therein.
- C. Permitted Uses. Those uses indicated in Table A-1 and accessory uses to those uses. Any uses not listed in Table A-1, or otherwise listed below, are prohibited. Items that are not customary as accessory uses to those listed in Table A-1 are prohibited.
 - 1. Piers, docks and other structures attached to the shore not to exceed 800 sq. ft. or extend more than 150 ft. into the water body from mean water level.
 - 2. Shore based facilities for pumping and/or disposing of wastes from boats (subject to applicable Town and State Health Regulations).
 - 31. Public boat launching ramps, swimming areas (beaches), natural areas and hunting and fishing.
 - 42. Seawalls, retaining walls and similar structures detached from and not an integral part of a building.
 - 5. Seasonaltemporary type private residential or camp use docks provided they do not extend more than 150 ft. from mean water level into the water body.
 - 6.3. Stairs and associated landings detached from and not an integral part of a building.
 - 4. Rehabilitation, repair, or reconstruction of a structure or building so long as the footprint is maintained or reduced. There shall be no extension of the use or increase to square footage. If the repair, rehabilitation, or reconstruction of the structure or building is more than 35% of the value of the pre-existing structure or building in a ten year period, the building or structure shall be floodproofed. Additionally, any building or structure substantially damaged shall be floodproofed.
 - 5. Enlargement of residential structures that are floodproofed so long as the footprint is maintained or reduced.
- D. Conditional Uses. Those uses indicated in Table A-1 and approved pursuant to Article 8, and accessory uses to those uses. Any uses not listed in Table A-1 are prohibited. Items that are not customary as accessory uses to those listed in Table A-1 are prohibited.
 - (1) Piers, docks or floats larger than, or extending more than 150 ft. from mean water level into the water body.
- E. Area, Density, and Dimensional Requirements. In the FP District, all requirements of this Section 6.03 and Table A-2 shall apply.
- F. Additional Standards. In addition to the Site Plan, Conditional Use, Planned Unit Development criteria, all development in the FP District shall also be subject to the following standards:

- 1. Floodproofed shall mean that the building or structure, excepting accessory structures, shall be raised so as to have the lowest horizontal member be one foot above base flood elevation by following FEMA compliant methods: piers, posts, columns, pilings, or foundation with flood gates. Floodproofing of accessory structures shall mean wet floodproofing utilizing FEMA compliant methods. Additionally floodproofed shall also mean that structures are made reasonably safe from floodproofing through the following methods:
 - (a) anchoring in a FEMA compliant manner to prevent flotation, collapse, or lateral movement of the structure during the occurrence of the base flood;
 - (b use of methods and practices that minimize flood damage including the use of materials resistant to flood damage;
 - (c) electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding;
 - (d) adequate drainage paths around structures to guide floodwater around and away.
- 2. All proposals for floodproofed structures shall be submitted to the State Department of Environmental Conservation or duly delegated agency and have an as-built FEMA Elevation Certificate sumbitted to the Administrative Officer prior to the issuance of a Certificate of Occupancy.
- 3. Up to two inches of topsoil may be brought to a project site to re-establish ground cover and/or stabilize septic systems.
- 4. Summer seasonal items such as boats and other recreational items may be stored under floodproofed structures so long as the area is not completely enclosed and the area is screened by lattice or other mostly open screening to contain the items in the event of flood.
- 5. All apurtenances to a residential use, such as fuel tanks, shall be properly secured in accordance with FEMA standards.
- 6. Public utilities and tanks shall be placed underground and securely anchored so as to minimize flood damage.
- 7. The alteration or relocation of a watercourse is highly discouraged however if imminent threat to community servcies or personal property exist an application may be considered. The flood carrying and sediment transport capacity with an altered or relocated portion of any watercouse shall be maintained, and any alteration or relocation shall not result in any decrease of stream stability. Any applications for alterations or relocations of watercoures shall provide notice to the adjacent communities, the Steam Alteration Enginer and the NFIP Coordinator at the Vermont Agency of Natural Resources (ANR), and the Army Corps of Engineers. No permit may be issued until after reciept of comments from ANR or 30 days from the date of notification, whichever is sooner.
 - 1. All applications for construction within the Flood Plain District shall require the following information:

- (a) Flood elevation of the site. Where available, base flood elevations and floodway limits provided by the National Flood Insurance Program and in the Flood Insurance Study and accompanying maps shall be used. In Special Flood Hazard Areas where base flood elevations and/or floodway limits have not been provided by the National Flood Insurance Program in the Flood Insurance Study and accompanying maps, it is the applicant's responsibility to develop the necessary data. Where available, the applicant shall use data provided by FEMA, or State, or Federal agencies.
- (b) Elevation of existing ground and proposed changes or grading plan.
- (c) Elevation of lowest floor of proposed structure.
- (d) Economic need of proposed development.
- (e) Alternatives considered.
- (f) Location of Flood Plain District in relation to proposed structure.
- (g) Certification from a registered professional engineer or architect that the flood proofed structure meets the flood proofing eriteria of Section 6.03F10.
- (h) A description of the extent to which any water course will be altered or relocated as a result of the proposed development.
- 2. All applications for construction within the Flood Plain District shall meet the following additional criteria:
 - (a) For all Zone A properties, the DRB shall obtain, review and utilize any base flood elevation data available from a federal, state or other source as criteria for approval of all uses allowable under Section 6.03.
 - (b) All adjacent communities and the Vermont Department of Environmental Conservation shall be notified of the application prior to approval of any alteration or relocation of a watercourse. Copies of the application shall be submitted to the Federal Insurance Administration, and U.S. Army Corps of Engineers. (c) A copy of the application including the additional information required in Section 6.03F1 shall be submitted to the Vermont Department of Environmental Conservation per Title 24 V.S.A., Section 4424. An evaluation of the application by the Vermont Department of Environmental Conservation will be considered by the DRB.
 - (d) All construction shall comply with the criteria set forth in Title 24 V.S.A., Section 4424 as amended from time to time. The application shall be reviewed under Title 24 Vermont State Statue Section 4424(2) (E) as amended from time to time and shall find positive findings under all of these criteria.
 - (1) The DRB shall consider if the repair, relocation, or enlargement of the nonconforming structure is required for

the continued economically feasible operation of a nonresidential enterprise.

- (2) The DRB shall consider if the repair, relocation, or enlargement of the nonconforming structure will increase flood levels in the regulatory floodway, increase the risk of other hazard in the area, or threaten the health, safety, and welfare of the public or other property owners.
- (3) The DRB shall consider if the repaired, relocated, or enlarged nonconforming structure will be maintained at the risk of the owner.
- (e) The DRB shall consider the susceptibility of the proposed development to flood damage and the effect of such damage. (f) The DRB shall consider the availability to the applicant of alternative locations not subject to flooding.
- (g) The DRB shall consider the safety of access by ordinary and emergency vehicles to the property in times of flood.
- (h) The DRB shall consider the cost or feasibility of providing governmental and public facilities during and after flooding.
- 3. Agricultural operations shall exclude buildings or structures other than fences, windbreaks, open sheds or temporary shelters for livestock.
- 4. Essential services shall exclude buildings and structures and be located so as to minimize or climinate flood damage.
- 5.8. No structures shall be constructed or expanded in the floodway. No land development acitivites shall occur within the floodway or floodplain that increase the Base Flood level.
- 6. No use shall be permitted that will adversely affect soils or vegetation, impair the quantity and quality of surface and ground water, erode soil, alter stream banks or stream beds, or divert watercourses.
- 7. Sivicultural uses shall be conducted in accordance with Vermont Department of Forest and Parks Acceptable Management Practices.
 8. Agricultural activities shall be conducted in accordance with Vermont Department of Agriculture Acceptable Agricultural Practices.
- 9. Recreation and entertainment uses shall exclude buildings and structures.
- 10. All development shall be reasonably safe from flooding and:
 - (a) designed (or modified) and adequately anchored to prevent flotation, collapse, or lateral movement of the structure during the occurrence of the base flood,
 - (b) constructed with materials resistant to flood damage,
 - (e) constructed by methods and practices that minimize flood damage, and
 - (d) constructed with electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding. (e) adequately drained to minimize flood damage

11. Dwelling Units:

(a) existing dwellings to be substantially improved that are located in Zones A. A1-30. AE, and AH shall have the lowest floor, including basement, elevated to or above the base flood elevation. Existing dwellings to be substantially improved that are located in Zone AO shall have the lowest floor, including basement, elevated above the highest adjacent grade at least as high as the depth number specified in feet on the community's Flood Insurance Rate Map (FIRM) or at least two-feet if no depth number is specified. (b) Where existing manufactured homes are to be substantially improved or that have incurred substantial damage from a flood, the dwelling shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated to no less than one foot above the base flood elevation and be securely anchored to an adequately anchored foundation system to resist floatation, collapse, and lateral movement during the occurrence of the base flood.

- (e) Where manufactured homes on sites in an existing (Pre-FIRM) manufactured home park are substantially improved or replaced, and placement at or above base flood elevation is not possible, the lowest floor shall be supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 48 inches in height above grade and be securely anchored to an adequately anchored system to resist floatation, collapse, and lateral movement.
- (e) Dwellings located within Zones AH and AO shall have adequate drainage paths around structures on slopes, to guide floodwater around and away from structures.

12. Non-residential Development:

(a) Existing structures to be substantially improved located in Zones A, A1-30, AE, and AH shall have the lowest floor, including basement, elevated to or above the base flood elevation or together with attendant utility and sanitary facilities be designed so that below the base flood elevation the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. (b) Existing structures to be substantially improved located in AO zones shall have the lowest floor, including basement, elevated above the highest adjacent grade at least as high as the depth number specified in feet on the community's FIRM or no less than two feet if no depth number is specified or together with attendant utility and sanitary facilities be designed so that below the base flood elevation the structure is watertight with walls substantially impermeable to the passage of water and with structural

- components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.
- (e) A registered professional engineer or architect shall review the structural design, specifications and plans, and has certified that the design and proposed methods of construction are in accordance with accepted standards of practice for meeting the provisions of this subsection.
- (d) Non-residential development located within Zones AH and to guide floodwater around and away from the proposed structures.
- 13. Any encroachment within the regulatory floodway, including fill, substantial improvement or other development, shall be prohibited unless a hydraulic analysis performed by a registered engineer in accordance with standard engineering practice certifies a zero increase in base flood elevation.
- 14. A project review sheet shall be obtained from the Vermont Agency of Natural Resources identifying all State and Federal agencies from which permit approval is required for the project. A copy of the completed project review sheet shall be filed with the application for construction in the Flood Plain District. The identified permits, or letters indicating that such permits are not required, shall be submitted to the Administrative Officer prior to the issuance of a Building Permit.
- 15. Excavation of earth materials or filling with earth materials or other substances shall be permitted only to the extent necessitated by a permitted or conditional use, or for the revegetation and restoration of the streambank and buffer. All streambank alterations must be conducted in accordance with the Vermont Department of Environmental Conservation Stream Alteration rules.
- 16. The cutting or removal of trees and other natural vegetation shall be allowed only to the extent necessitated by a permitted or conditional use.
- 17. Enclosures below grade on all sides, including crawlspaces and basements, are prohibited.
- 18. Enclosed Areas Below the Lowest Floor, Below Base Flood Elevation and subject to flooding shall:
 - (a) Be used solely for parking of vehicles, building access, or storage and such a condition shall be clearly stated on any permits; and
 - (b) Be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Such designs for meeting this requirement shall either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria: A minimum of two openings on two walls having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided. The bottom of all openings shall be no higher than one foot above grade. Openings may be equipped with screens,

louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

19. Structures to be substantially improved in Zones A, A1-30, AE, and AH shall be located such that the lowest floor is at least one foot above base flood elevation, this must be documents, in as-built condition, with a FEMA Elevation Certificate.

- 20. All recreational vehicles to be placed on a site must
 - (i) be elevated and anchored; OR
 - (ii) be on the site for less than 180 consecutive days; OR
 - (iii) be fully licensed and highway ready.

6.04 Agricultural Mixed Use District (AMU)

- A. Purpose. To maintain and enhance agricultural uses within the Shipman Hill Neighborhood and to encourage complimentary activities that will help to sustain these agricultural uses through diversification, agri-tourism, and low impact residential growth.
- B. Municipal Plan. These regulations hereby implement the relevant provisions of the Town of Colchester adopted municipal plan and are in accord with the policies set forth therein.
- C. Permitted Uses. Those uses indicated in Table A-1 and accessory uses to those uses. The following additional standards shall apply to the uses indicated in Table A-1:
 - 1. General sales with a significant component of goods sold being agricultural or other items produced on the premises shall be limited as follows:
 - (a) General sales may be permitted only on parcels of 10 acres or larger. Contiguous parcels under the same ownership may be combined to satisfy this requirement.
 - (b) Maximum permitted gross building square footage for general sales is 5% of the square footage of the lot not to exceed 10,000 sq. ft.
 - 2. Distribution facility and warehousing with all storage within structures shall be limited as follows:
 - (a) Distribution and warehousing may be permitted only on parcels of 30 acres or greater.
- D. Conditional Uses. Those uses indicated in Table A-1 and approved pursuant to Article 8, and accessory uses to those uses. Any uses not listed in Table A-1 are prohibited. Items that are not customary as accessory uses to those listed in Table A-1 are prohibited.
- E. Area, Density and Dimensional Requirements. In the AMU District, all requirements of Table A-2 shall apply. In addition, the minimum lot size for a residential lot shall be one-half-of-an-acre and the maximum lot size shall be one

- 2. Structures within the GD4OS District shall be limited to ten feet in height. The Development Review Board may increase the height of a building up to the height for the GD4 District designated in if 50% or more of the GD4OS on a property is designated as restricted open space with covenants to keep said space open in perpetuity in Section 4.04 and Table A-2.
- 3. The Development Review Board may approve use of the GD4OS for septic systems and stormwater treatment/detention systems, provided all GD4OS area on a property is designated as restricted open space with covenants to keep said space open in perpetuity.

7.03 Shoreland District SD

- A. Purpose. To preserve the natural growth and cover of the shorelines, to preserve water quality, to prevent pollution, to regulate development and appearance of the shorelines, to prevent erosion, to prevent nuisance, and to preserve the property rights of the shoreline property owners. The boundaries of the Shoreland District shall include all lands within 500 250 feet from the mean watermark of Colchester Pond, Winooski River, Lamoille River, and Lake Champlain. This district overlays all other districts along the shoreline.
- B. Municipal Plan. These regulations hereby implement the relevant provisions of the Town of Colchester adopted municipal plan and are in accord with the policies set forth therein.
- C. Permitted Uses. The following uses are permitted in the Shoreland District in accordance with the provisions of this Section 7.03 and Table A-2, Dimensional Standards.
 - 1. Those uses which are permitted in the underlying zoning district.
 - 2. Piers, docks and other structures attached to the shore and extending beyond the mean water mark are exempt from these Regulations, provided that such piers, docks and other structures comply with all state and federal regulations pertaining to such encroachments and are not integrated with other structures regulated herein.
 - 3. Pumphouses designed and of a size for ordinary residential or seasonal camp use.
 - 4. Repair and reconstruction of existing residential structures including the installation of full basements that complies with the setbacks required in Chapter Eight of the Colchester Code of Ordinances.
 - 5. Enlargement of residential structures that does not increase the degree of encroachment within 100 feet from the mean water mark.
 - 6. Shore based facilities for pumping and/or disposing of wastes from boats (subject to applicable Town and State Health Regulations).
 - 7. Recreational uses such as picnic ground, parks, playgrounds, swimming areas (beaches), natural areas and hunting and fishing.

- 8. Seawalls, retaining walls and similar structures detached from and not an integral part of a building.
- 9. *Paths*, <u>Sstairs</u> and associated landings detached from and not an integral part of a building.
- 10. Boat launching ramps.
- 11. Fences.
- 12. Removal of up to 25% of the trees one inch caliper or greater within a ten year period that is witnessed by the Colchester Administrative Officer or designee prior to removal.
- D. Conditional Uses. The following uses are allowed in the Shoreland District as conditional uses subject to approval by the Development Review Board in accordance with the provisions of this Section 7.03 and Table A-2, Dimensional Standards.
 - (1) Enlargement of residential structures that increases the degree of encroachment within the 100 feet from the mean water mark. Such portion of the structure encroaching shall not exceed 10% of the building as measured from the exterior face of exterior walls excluding appurtenances such as decks, porches, overhangs, and stairs in existence at the time of application within a 10 year period.
- E. Area, Density, and Dimensional Requirements. In the Shoreland District structures shall be subject to the following area, density and dimensional requirements:
 - (1) Except for those uses specified in Section 7.03C & D all buildings and structures shall be setback 100 feet from the mean water mark.
 - (2) All buildings, structures, and lots shall comply with the minimum lot, dimensional, coverage, and height requirements of the underlying district.
- F. Additional Standards. In addition to the Site Plan, Conditional Use, Planned Unit Development criteria, all development in the Shoreland District shall also be subject to the following standards:
 - 1. If piers, docks and other structures under Section 7.03C(2) are integrated with structures requiring approval hereunder, including but not limited to seawalls, retaining walls, stairs or landings, such integrated portions of the pier, dock or other structure under 7.03C(2) located landward of the mean water mark are subject to this Section 7.03F.
 - 2. Existing natural shoreline vegetation should be incorporated into the project when reasonably possible. Native plants and wildlife habitat should be considered and preserved to the greatest extent possible. No more than 25% of existing trees, both native and non-native invasive species, one inch caliper or greater shall be removed along the shoreline for a distance of 100 ft from the mean water mark within a ten year period. The Development Review Board may permit more than 25% removal of existing trees of one inch caliper or greater to be removed in conjunction with a 1:1 replanting plan if it is determined that the removal of the trees

will not have adverse impact on shoreline stability and the character of the area. Removal of more than 25% of existing trees one inch caliper or greater shall require a survey of existing conditions including the size, location, condition and type of vegetation specifically indicating nonnative invasive species versus native species. Phasing of tree removal is encouraged, including for non-native invasives, to allow for replanted trees to become established and assist with bank stability. Tree removal and replanting plans must take into account bank stability, stormwater runoff, and erosion control. The replanting plan shall be prepared by a licensed Landscape Architect, Arborist, or Environmental Ecologist and shall have at least a one-to-one replacement ratio for all trees over one inch caliper with native trees. A Landscape Improvement Agreement may be required to provide surety for the proposed plantings. Removal of dead trees or trees of immediate threat to human safety as well as reasonable pruning of existing trees is permitted. Removal of more than 40% of existing trees may be approved by the Development Review Board in conjunction with a permitted or conditional use as stated herein.

- 3. The proposal for filling, grading or erection of any structure within 100 ft. inland of the mean water mark shall require site plan review and approval by the Development Review Board per Article Eight and Section 2.13. Specifically exempt from this requirement shall be those uses listed in Section 7.03C (4), (5), (9), and (11).
- 4. Requests for seawalls and similar structures under Section 7.03C(8) shall require site plan approval by the DRB as specified in Article Eight. In addition to the requirements of Section 7.03F, the DRB shall apply the following standards to the construction of seawalls and similar structures permitted under Section 7.03C (8):
 - (a) The applicant shall prove the required need of said seawall or similar structure. Required needs include threat to personal property, excessive erosion, or imminent threat to water quality. Expansion of usable property shall not constitute need. All seawalls shall be constructed in a structurally sound manner fully complying with building codes in effect.
 - (b) The seawall or similar structure shall be designed by a Professional Engineer or Landscape Architect. Exceptions may be made by the Board where Bio-Engineered solutions are proposed.
 - (c) The seawall or similar structure shall, to the extent structurally feasible, follow the existing contour of the shoreline and be located along the toe of the slope minimizing backfill and land disturbance. The structure shall be scaled to meet the need and not larger than structurally required. The Shoreline Stabilization Handbook, as amended from time to time, shall be consulted for project design. Full design plans including a site plan with property boundary lines, contours including the 95 foot, 98 foot, and 102 foot elevations shall be submitted with the application including a scaled cross-section of the wall, descriptions of

- material to be used, a drainage plan, a construction access plan, and soil erosion / site stabilization plan. Existing conditions shall be documented through site plans as well as photographs of the site from the waterbody.
- (d) Visually massive structures are discouraged. The project design should mitigate the visual impact of the structure as viewed from the water. To this end, terracing, landscape plantings, and other aesthetic measures should be integrated into the structural solution.
- (e) Whenever feasible, a coordinated solution to localized erosion problems should be taken amongst effected property owners.
- 5. The review of any proposed construction of shore-based facilities shall consider the following:
 - (a) Will not adversely affect water quality or be a source of nuisance by reason of noise or fumes.
 - (b) Will not interfere with or prevent use of adjacent shoreland property or its access to and from the water.
 - (c) Will be compatible with adjacent land uses.
 - (d) That necessary and adequate sanitary public utilities and parking facilities are available or will be made available.
 - (e) Will not create an adverse vehicle traffic condition.
- 6. Stairs shall be no more than 44 inches in width with associated platforms being no more than 44 inches in width and 48 inches in length. All stairs shall have a handrail on at least one side. Flexibility will be exercised with regard to the rise and run of stairs permitted under this section to accommodate pedestrian access yet minimize visibility from the lake and preservation of natural features. *Paths shall not exceed 48" in width*.
- 7. All stairs *and paths* shall minimally disturb existing contours on the site and where possible follow existing contour lines. Stairs *and paths* shall make use of the natural vegetation and topography to blend with the shoreline. All stairs *and paths* shall be screened from the water body through the use of landscaping.
- 8. The Department of Water Resources and the U.S. Army Corps of Engineers may be requested to review, comment on, or approve all applications for construction below the 98 foot elevation prior to issuance of a building permit for said construction. The Development Review Board and the Department of Planning and Zoning may utilize the recommendations of the Department of Water Resources and the U.S. Army Corps of Engineers in its decision whether or not to issue a building permit for said construction.
- 9. Enlargement of a residential structure that increases encroachment within the 100 feet from the mean water mark shall demonstrate that said enlargement can not reasonably be accomplished without further encroachment due to topography, shape of the lot, or interior floor plan layout. Enlargement that results in additional encroachment shall be

- (2) The encroachment(s) will not adversely affect the ability of the proposed stormwater treatment system to reduce sedimentation according to state standards;
- (3) The impact of the encroachment(s) on the specific wetland functions and values identified in the field delineation and wetland report is minimized and/or offset by appropriate landscaping, stormwater treatment, stream buffering, and/or other mitigation measures.
- (4) There shall be no adverse affect to soils or vegetation, impairment of the quantity and quality of surface and ground water, or soil erosion.
- (5) Excavation of earth materials or filling with earth materials or other substances will be permitted only to the extent necessitated by a permitted or conditional use.

E. Fluvial Erosion Hazard Overlay District (FEH)

- 1. Purpose. To preserve the natural growth and cover of the shorelines, to preserve water quality, to prevent pollution, to regulate development and appearance of the shorelines, to prevent erosion, to prevent nuisance, and to preserve the property rights of the shoreline property owners. The boundaries of the Water Protection District District shall include all lands within 250 feet from the mean watermark of the Winooski River and the Lamoille River.
- 2. Municipal Plan. These regulations hereby implement the relevant provisions of the Town of Colchester adopted municipal plan and are in accord with the policies set forth therein.
- 3. Permitted Uses. The following uses are permitted in the FEH in accordance with the provisions of this Section 7.04 and Table A-2, Dimensional Standards.
 - a. Those uses which are permitted in the underlying zoning district.
 - b. Piers, docks and other structures attached to the shore and extending beyond the mean water mark are exempt from these Regulations, provided that such piers, docks and other structures comply with all state and federal regulations pertaining to such encroachments and are not integrated with other structures regulated herein.
 - c. Pumphouses designed and of a size for ordinary residential or seasonal camp use.
 - d. Repair and reconstruction of existing residential structures including the installation of full basements that complies with the setbacks required in Chapter Eight of the Colchester Code of Ordinances.
 - e. Enlargement of residential structures that does not increase the degree of encroachment within 100 feet from the mean water mark. f. Shore based facilities for pumping and/or disposing of wastes from boats (subject to applicable Town and State Health Regulations).

- g. Recreational uses such as picnic ground, parks, playgrounds, swimming areas (beaches), natural areas and hunting and fishing. h. Seawalls, retaining walls and similar structures detached from and not an integral part of a building.
- i. Paths, stairs and associated landings detached from and not an integral part of a building.
- j. Boat launching ramps.
- k. Fences.
- 4. Area, Density, and Dimensional Requirements. In the FEH structures shall be subject to the following area, density and dimensional requirements:
 - (1) Except for those uses specified in Section 7.04E(3) all buildings and structures shall be setback 100 feet from the mean water mark.
 - (2) All buildings, structures, and lots shall comply with the minimum lot, dimensional, coverage, and height requirements of the underlying district.
- 5. Additional Standards. In addition to the Site Plan, Conditional Use, Planned Unit Development criteria, all development in the FEH shall also be subject to the following standards:
 - a. If piers, docks and other structures under Section 7.04(3)(b) are integrated with structures requiring approval hereunder, including but not limited to seawalls, retaining walls, stairs or landings, such integrated portions of the pier, dock or other structure under 7.04(3)(b) located landward of the mean water mark are subject to this Section 7.04(5).
 - b. Existing natural shoreline vegetation should be incorporated into the project when reasonably possible. Native plants and wildlife habitat should be considered and preserved to the greatest extent possible. No more than 25% of existing trees one inch caliper or greater shall be removed along the shoreline for a distance of 100 ft from the mean water mark within a ten year period. The Development Review Board may permit up to 40% of existing trees of one inch caliper or greater to be removed if it is determined that the removal of the trees will not have adverse impact on shoreline stability and the character of the area. Removal of dead trees or trees of immediate threat to human safety as well as reasonable pruning of existing trees is permitted. Removal of more than 40% of existing trees may be approved by the Development Review Board in conjunction with a permitted or conditional use as stated herein.
 - c. The proposal for filling, grading or erection of any structure within 100 ft. inland of the mean water mark shall require site plan review and approval by the Development Review Board per Article Eight and Section 2.13. Specifically exempt from this requirement shall be those uses listed in Section 7.04(3)(d), (e), (i), and (k).

- d. Requests for seawalls and similar structures under Section 7.04(3)(h) shall require site plan approval by the DRB as specified in Article Eight. In addition to the requirements of Section 7.04E(5), the DRB shall apply the following standards to the construction of seawalls and similar structures permitted under Section 7.04(3)(h):
 - (i) The applicant shall prove the required need of said seawall or similar structure. Required needs include threat to personal property, excessive erosion, or imminent threat to water quality. Expansion of usable property shall not constitute need. All seawalls shall be constructed in a structurally sound manner fully complying with building codes in effect.
 - (ii) The seawall or similar structure shall be designed by a Professional Engineer or Landscape Architect. Exceptions may be made by the Board where Bio-Engineered solutions are proposed.
 - (iii) The seawall or similar structure shall, to the extent structurally feasible, follow the existing contour of the shoreline and be located along the toe of the slope minimizing backfill and land disturbance. The structure shall be scaled to meet the need and not larger than structurally required. The Shoreline Stabilization Handbook, as amended from time to time, shall be consulted for project design. Full design plans including a site plan with property boundary lines, contours including the 95 foot, 98 foot, and 102 foot elevations shall be submitted with the application including a scaled cross-section of the wall, descriptions of material to be used, a drainage plan, a construction access plan, and soil erosion / site stabilization plan. Existing conditions shall be documented through site plans as well as photographs of the site from the waterbody.
 - (iv) Visually massive structures are discouraged. The project design should mitigate the visual impact of the structure as viewed from the water. To this end, terracing, landscape plantings, and other aesthetic measures should be integrated into the structural solution.
 - (e) Whenever feasible, a coordinated solution to localized erosion problems should be taken amongst effected property owners.
- e. The review of any proposed construction of shore-based facilities shall consider the following:
 - (i) Will not adversely affect water quality or be a source of nuisance by reason of noise or fumes.
 - (ii) Will not interfere with or prevent use of adjacent shoreland property or its access to and from the water.
 - (iii) Will be compatible with adjacent land uses.
 - (iv) That necessary and adequate sanitary public utilities and parking facilities are available or will be made available.
 - (v) Will not create an adverse vehicle traffic condition.

- f. Stairs shall be no more than 44 inches in width with associated platforms being no more than 44 inches in width and 48 inches in length. All stairs shall have a handrail on at least one side. Flexibility will be exercised with regard to the rise and run of stairs permitted under this section to accommodate pedestrian access yet minimize visibility from the lake and preservation of natural features. Paths shall not exceed 48" in width.
- g. All stairs and paths shall minimally disturb existing contours on the site and where possible follow existing contour lines. Stairs and paths shall make use of the natural vegetation and topography to blend with the shoreline. All stairs and paths shall be screened from the water body through the use of landscaping.
- h. The Department of Water Resources and the U.S. Army Corps of Engineers may be requested to review, comment on, or approve all applications for construction below the 98 foot elevation prior to issuance of a building permit for said construction. The Development Review Board and the Department of Planning and Zoning may utilize the recommendations of the Department of Water Resources and the U.S. Army Corps of Engineers in its decision whether or not to issue a building permit for said construction.
- i. Enlargement of a residential structure that increases encroachment within the 100 feet from the mean water mark shall demonstrate that said enlargement can not reasonably be accomplished without further encroachment due to topography, shape of the lot, or interior floor plan layout. Enlargement that results in additional encroachment shall be adequately screened from the water body, shall make use of existing topography, shall utilize earth-tone colors, and shall make use of the natural vegetation and topography to blend with the shoreline.
- j. Legal encroachments per Section 7.04 shall not be subject to the time limits established under Section 2.12B(2).
- k. Requests for boat launching ramps under Section 7.04(3)(j) shall require site plan approval by the DRB as specified in Article Eight. In addition to the requirements of Section 7.04E(5)(a), (b), and (c), the DRB shall apply the standards of 7.04(5)(d)(ii)-(iv) to the construction of ramps.

7.05 Historic Preservation District HPD

A. Purpose. To encourage the preservation and rehabilitation of historic structures within the Fort Ethan Allen National Register Historic District. Development should be sensitive to Colchester's historic and archaeological sites and structures as these serve as visible reminders of the community's past. Changes to historic structures should be sympathetic to the structure, and to the extent possible, in

APPENDIX E: ZONING REGULATION AMENDMENTS

SUPPLEMENT 37

	PROPOSAL	PLANNING COMMISSION PUBLIC HEARING	WARNED FOR SELECT BOARD	ADOPTED	EFFECTIVE DATE
i 5 % 4. 7.	1. Amend Section 2.03 District Boundaries to clarify Floodplain District boundaries; 2. Amend Section 212B to include reference to Section 6.03 and 7.04; 3. Amend Section 6.03 to clarify the Floodplain Regulations and allow floodproofing of structures to be done administratively through the building permit process, allow for the enlargement of residential structures that are floodproofed so long as the footprint is maintained or reduced, and allow for the rebuilding of sheds so long as they are wet-floodproofed; 4. Amend Section 7.03 to change the Shoreland District bounds to 250 feet from the mean watermark of Colchester Pond and Lake Champlain (delete Winooski & Lamoille Rivers), clarify tree cutting and replanting requirements, and add paths to permitted uses as long as they are meeting the set dimensional requirements for stairs; 5. Amend Section 7.04 Water Protection District to include a new Fluvial Erosion Hazard Overlay District that mimics the Shoreland District under	5/27/2015			

APPENDIX F: ZONING MAP AMENDMENTS

For a complete list of zoning map designation by parcel identification number, please see Appendix F(1) (detached).

EFFECTIVE TBA 2015

25-005003 R3 to GD1

Portions of Parcel ID #41-035002 GD1 to R3 (per Zoning Map)

EFFECTIVE November 5, 2014

03-031003 GD3 to R3

03-030003 GD3 to R3

EFFECTIVE January 1, 2014

40-006002 COM to GD1

40-007002 COM to GD1

40-061002 and all sub-numbers R2 to R3

40-061132 R2 to R3

EFFECTIVE October 30, 2013

41-099002 COM to GD1

41-041002 COM to R3

05-005002 COM to GD1

40-002012 COM to GD1 40-001002 COM to GD1

40-062002 COM to GD1

40-062022 COM to GD1

40-062012 COM to GD1

40-063002 COM to GD1 & GD1C

40-063012 COM to GD1 & GD1C

40-064002 COM to GD1 & GD1C 41-095002 COM to GD1 & GD1C

41-097002 COM to GD1 & GD1C

41-098002 COM to GD1 & GD1C

41-094002 and all subnumbers COM to GD1 & GD1C

41-092002 COM/R3 to GD1 & GD1C

41-093002 and all subnumbers COM to GD1 & GD1C

41-052002 COM to GD1

41-051002 COM to GD1

41-033002 COM to GD1

41-034002 COM to GD1